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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/197,908 | 11/23/1998 | ANTHONY F. HERBST | NEWMRKTP98-1 | 1823 |

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EXAMINER

AKERS, GEOFFREY R

[REDACTED]
ART UNIT PAPER NUMBER

3624

DATE MAILED: 07/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | | |
|-----------------|-----------|----------------|-------|
| Application No. | 09/117908 | Applicant(s) | Perry |
| Examiner | Alex, g | Group Art Unit | 3624 |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 6/6/02.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1 - 20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1 - 20 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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DETAILED ACTION

Response to Amendment

1. This action is responsive to Applicant's Request for Reconsideration(Paper #13) dated 6/6/02.
2. Applicant amended no claims, added no new claims and cancelled no claims.
3. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 USC 103(a) as unpatentable over Hawkins(US Pat. No: 6,029,146) in view of Lawrence(US Pat. No: 5,915,209) and further in view of Broka(US Pat. No: 5,809,483).

6. As per claims 1, 16-20 Hawkins teaches a method for using a digital electronic computer to process signals in generating output and providing a digital computer apparatus including a computer having a processor electrically connected to a memory device for storing and retrieving machine readable signals to an input device for receiving input data and converting the input data and to an output device for converting output data from the processor into output having a visual presentation whereby the steps including entering financial characteristics sufficient for computing a price of preferred return investments(col 3 line 26-38). Lawrence teaches bond trading as

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preferred return investments (col 4 lines 62-col 5 line 48)(Fig 1)as well as the solicitation of bids and prices(col 5 lines 16-18). Hawkins teaches the trading of volumes of securities(col 8 lines 14-31)(Fig 4) and an associated supply schedule.Hawkins further teaches utilizing two remote digital electronic computers for effecting a preferred return instrument trade(Fig 3). Broka teaches a debt securities pricing system(Fig 10)(Fig 11) as well as specified issues(Fig 7/730) including a preferred-return securities auction(Fig 20(a))(Fig 20(b)) including offering sizes and handling amounts that buyers and sellers want to transact(Fig 21(a))(Fig 21(b)) as well as current preferred returns viewing(col 16 lines 5-48)(col 15 lines 4-11).Broka teaches a realtime trasding system(col 5 lines 20-45). It would have been obvious to one skilled in the art at the time of the invention to combine Hawkins in view of Lawrence to teach the above. The motivation to combine is to teach a system that can automatically disseminate accurate current informatiion on large volumes of bond trades as enunciated by Lawrence(col 3 lines 25-29) and disseminate this information to the trading crowd. Furthermore it also would have been obvious to combine Hawkins in view of Lawrence and further in view of Broka to teach the above. The motivation to combine is to terach an organized computerized trading system for compliance with SEC regulations as enunciated by Broka(col 1 lines 42-52).

7. Claims 2-15 are rejected because by their dependence they include the language of a rejected base claim.

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Response to Arguments

8. Applicant's arguments filed 6/6/02 have been fully considered but they are not persuasive. Applicant's remaining objections to the non-final Office Action as communicated to the examiner are the following: 1) Computing a demand schedule for each of the instruments; 2) Computing schedule for each of the instruments; 3) Computing the schedules to produce a current preferred return for each of the corresponding instruments. These elements are addressed in the cited references, where Broka(US Pat. No: 5,809, 483) teaches these(col 5 lines 20-57)(col 14 lines 60-65)(col 13 line 45-col 14 line 5). Additionally, Broka teaches demand schedules(bid/ask pricing)(Fig 10/11/17A/17B)(col 4 lines 52-58) and schedules/terms(col 5 lines 33-63) and comparing schedules/modifying quotes(col 5 lines 46-53). Lawrence(US Pat. No: 5,915,209) teaches a preferred return(Fig 2/58) and a demand schedule and preferred return(Fig 3/116/110/114) and a schedule(maturity)(Fig 6) as well as a preferred return/demand schedule(bid/ask/reoffer/calculate)(Fig 7)(Fig 8). Furthermore, Hawkins(US Pat. No: 6,029,146) teaches a bid/ask, a price limit,a stop price, and a capacity(demand and preferred return)(Fig 10/402/426/399) as well as demand(Fig 13/673) and schedule for each of the instruments(type and deal amount)(Fig 12616/672).Finally, Hawkins also teaches a dealing capacity(ability to reprice and produce preferred return)(Fig 11/399).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-308-6296 or 6306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.

GRA

July 25, 2002